



**SUPERIOR COURT OF ARIZONA FOR
Maricopa County
Final Release Order and Order Regarding Counsel**

State of Arizona

1 Cnt MURDER 1ST DEG- F1

CaseNumber: PF2017113249001

vs.

Booking#: T350310

Wendy Viviana Lavarnia

It is hereby ordered that **Wendy Viviana Lavarnia shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference March 29, 2017 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ,
85003-2243 Courtroom: 3D Docket: RCCT2

Preliminary Hearing March 31, 2017 at 08:45 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ,
85003-2243 Courtroom: 3D Docket: RCCT2

WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.

RELEASE TYPE

Bailable As a Matter of Right

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

Cash Only Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum, in cash, of \$1,000,000.00, which includes all applicable surcharges.

If the bond is posted the defendant is subject to the supervision restrictions and conditions of the Pretrial Services Agency set forth below.

PSA Supervision
Electronic Monitoring

Before Release: Mandatory Install

Defendant shall NOT BE released from Jail until Electronic Monitoring Equipment has been Installed. Curfew
Times to be determined by PSA

With Curfew Restrictions -

You May Not Leave Your Home Except During The Hours Set or Approved by Your Pretrial Officer.

RELEASE CONDITIONS

1. You are not to return to the scene of the alleged crime.
2. You are not to initiate contact with the alleged victim or victims.
3. You are not to have any physical contact with any alleged victim.
4. You are not to initiate contact with the arresting officers.
5. You are not to have any contact with minors. Except under the following conditions: none
6. You are not to possess any weapons.
7. You are not to possess any drugs without a valid prescription.
8. You are not to drive a motor vehicle without a valid driver's license.
9. You must continue to provide the court with proof of your local address.
10. You are not allowed to have contact with Kansas Lavarnia.

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. a. You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. b. You will refrain from committing any criminal offenses. c. You will diligently prosecute any appeal. d. You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.



**SUPERIOR COURT OF ARIZONA FOR
Maricopa County
Final Release Order and Order Regarding Counsel**

Case#: PF2017113249001
Booking#: T350310

ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.
You must contact the Office of the Maricopa County Public Defender at **620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003. 602-506-7711**

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 3/22/2017 8:00:00 AM

Address: [REDACTED]

City, State, Zip: [REDACTED]

Paula Williams
Judge / Commissioner

Signature: _____

Wendy Viviana Lavarria
Defendant

PG2

T350310

IN THE MOON VALLEY JP (NORTHWEST PHX) AZ007143J COURT
STATE OF ARIZONA, COUNTY OF MARICOPA
 RELEASE QUESTIONNAIRE

BOOKING NO. PHX20170321
 8961

DOB [REDACTED]

DEFENDANT'S NAME LAVARNIA, WENDY V

A. GENERAL INFORMATION

Charges:

MURDER 1ST DEGREE-DURING CRIME, 13-1105A2

Pursuant to A.R.S. §41-1750 ten-print fingerprints were taken off the arrested person? ☒ Yes ☐ No
 If yes, PCN = _____

Pursuant to A.R.S. §13-610 one or more of the charges requires the arresting agency to secure a DNA sample from the arrested person? ☒ Yes ☐ No

If yes, does the defendant have a valid DNA sample on file with AZDPS? ☐ Yes ☒ No

If no, Arresting Agency has taken required sample? ☐ Yes ☒ No

Offense Location: [REDACTED]

Offense Date: 3/20/2017 Offense Time: _____

Arrest Location: [REDACTED]

Arrest Date: 3/21/2017 Arrest Time: 20:39

B. PROBABLE CAUSE STATEMENT

1. Summarize and include the facts which establish probable cause for the arrest for the crimes charged:

ON MARCH 20, 2017 AT APPROXIMATELY 1451 HOURS, PHOENIX POLICE RESPONDED TO [REDACTED] AVENUE ON THE REPORT OF A CHILD BEING SHOT AT THAT LOCATION. UPON ARRIVAL THEY FOUND 9 YR OLD [REDACTED] IN THE MASTER BEDROOM SUFFERING FROM A SINGLE GUNSHOT WOUND TO THE HEAD. FIREFIGHTERS TREATING [REDACTED] AT THE SCENE NOTICED A LACK OF BLOOD FROM THE WOUND [REDACTED] SUFFERED, AND RELAYED THIS INFORMATION TO POLICE. [REDACTED] WAS IMMEDIATELY TRANSPORTED TO THE HOSPITAL FOR TREATMENT, AND THE HOME WAS EVACUATED AND HELD BY POLICE FOR A PENDING SEARCH WARRANT.

[REDACTED] IS THE SON OF WENDY AND KANSAS LAVARNIA. KANSAS WAS NOT AT THE HOME WHEN POLICE RESPONDED, AND WENDY TOLD INVESTIGATORS KANSAS HAD BEEN OUT SHOPPING AT THE TIME OF THE SHOOTING AND HAD NOT RETURNED HOME. WENDY WENT ON TO SAY THAT SHE HAD PLACED HER LOADED HANDGUN ON THE BED NEXT TO HER 2 YEAR OLD SON, AND THE 2 YEAR OLD HAD TAKEN THE GUN AND FIRED IT ONCE,

C. OTHER INFORMATION

1. Defendant is presently on probation, parole, or any other form of release involving other charges or convictions. Explain:

2. List any prior:

Arrests?

Convictions?

Failures to Appear (FTA)?

Protective Orders?

3. Is there any indication the defendant is:

☐ An Alcoholic?

☐ An Addict?

☐ Mentally Disturbed?

☐ Physically Ill?

4. Defendant is current employed

With Whom

How long

5. Where does the defendant currently reside?

With Whom:

How Long: _____ year(s), _____ month(s), _____ days

6. What facts indicate the defendant will flee if released? Explain

7. What facts does the State have to oppose an unsecured release? Explain:

D. CIRCUMSTANCES OF THE OFFENSE

(Check if applicable)

1. ☒ Firearm or other weapon used

Type: HANDGUN

☒ Someone was injured by the defendant

☒ Medical attention was necessary

Nature of Injuries:

DEF SON DIED

2. Someone was threatened by the defendant

Nature of threats:

3. Did the offense involve a child victim? ☒ Yes ☐ No

If yes, was DCS notified? ☒ Yes ☐ No

4. If property offense value of property taken/damaged:

☐ Property was recovered

5. Names of co-defendant(s), if any:

STRIKING HIS OLDER BROTHER IN THE HEAD. WENDY SAID SHE IMMEDIATELY CALLED 911 AND PROVIDED CPR FOR [REDACTED] UNTIL POLICE ARRIVED TWO MINUTES LATER.

KANSAS LAVARNIA RETURNED TO HIS HOME SEVERAL HOURS LATER DURING THE POLICE INVESTIGATION. KANSAS IS A CONVICTED FELON AND PROHIBITED FROM OWNING FIREARMS. HE WAS CONTACTED BY OFFICERS AND ARRESTED FOR HAVING THE INVOLVED GUN IN HIS HOME. KANSAS WAS FOUND TO HAVE A SINGLE FRESH THROUGH AND THROUGH GUNSHOT WOUND TO HIS UPPER LEFT ARM. IT DOES NOT APPEAR THAT THIS WOUND WAS SELF INFLICTED. THE WOUND WAS POORLY BANDAGED WITH TISSUE PAPER AND A DISTINCT CLEAR PACKING TAPE. AROUND THE MOST VISIBLE GUNSHOT HOLE IT APPEARED AS IF KANSAS'S SKIN HAD BEEN PUNCTURED MULTIPLE TIMES WITH POSSIBLY A FLAT HEAD SCREWDRIVER IN AN ATTEMPT TO CAMOUFLAGE THE GUNSHOT WOUND. THESE PUNCTURE WOUNDS COULD HAVE BEEN SELF INFLICTED. KANSAS SAID HE WAS NOT HOME AT THE TIME OF [REDACTED] SHOOTING, AND WOULD NOT PROVIDE FURTHER INFORMATION. WENDY STATED THAT KANSAS WAS NOT INJURED WHEN HE LEFT THE HOME TO GO SHOPPING.

A SEARCH WARRANT WAS SUBSEQUENTLY SERVED ON THE LAVARNIA HOME AND THE FAMILY'S ONLY VEHICLE THAT HAD BEEN USED BY KANSAS WHEN HE LEFT THE RESIDENCE. A ROLL OF CLEAR PACKING TAPE WAS FOUND IN THE HOME'S TRASH, VISUALLY MATCHING THE TAPE FROM KANSAS' CRUDELY FASHIONED BANDAGE. A CHEMICAL PREPARATION USED TO IDENTIFY TRACE AMOUNTS OF BLOOD WAS USED IN THE HOME AND IN THE LAVARNIA VEHICLE. THIS REVEALED WHAT APPEARS TO BE A SUBSTANTIAL AMOUNT OF BLOOD CLEAN UP THAT WAS DONE INSIDE THE HOME PRIOR TO EMERGENCY SERVICES BEING CALLED TO AID [REDACTED]. DETECTIVES FOUND CLEANED BLOOD RESIDUE IN THE MASTER BEDROOM, MASTER BATH, MAIN BATH, HALLWAY AND KITCHEN AREA AND SINKS. THE CORRESPONDING CLEAN UP WIPES OR TOWELS AND CLEANING PRODUCTS WERE NOT FOUND.

THE TRUNK OF THE VEHICLE DRIVEN BY KANSAS ALSO HAD TRACE AMOUNTS OF BLOOD. IN THE PASSENGER COMPARTMENT, TWO EMPTY CANS OF STAIN REMOVAL CLEANER WERE FOUND.

THE VISUAL LACK OF BLOOD, THE EXTENT OF OCCULTED BLOOD RESIDUE, AND THE LACK OF SOILED AND BLOODY CLEAN UP MATERIALS IMPLIES THAT A SIGNIFICANT AMOUNT OF TIME AND EFFORT WAS TAKEN PRIOR TO CONTACTING EMERGENCY SERVICES. THE AMOUNT OF CLEAN UP EVIDENCE COULD NOT HAVE BEEN ACCOMPLISHED DURING THE TWO MINUTE POLICE RESPONSE TIME, AND POLICE SECURED THE HOME AFTER THEIR ARRIVAL PREVENTING ANY SUBSEQUENT CLEAN UP. THIS INTENTIONAL DELAY IN

MEDICAL TREATMENT SIGNIFICANTLY ENDANGERED
THE HEALTH OF [REDACTED]

THE INTENTIONAL DELAY OF URGENTLY NEEDED
EMERGENCY CARE BY BOTH KANSAS LAVARNIA AND
WENDY LAVARNIA ENDANGERED [REDACTED]
IN CLEAR VIOLATION OF ARS 13-3623.A.1 CHILD ABUSE
STATUTE.

DESPITE MEDICAL EFFORTS TO SAVE [REDACTED]
LIFE, HE WAS PRONOUNCED DECEASED AT
1601 HOURS ON 032117.

AS A RESULT OF THE DELIBERATELY DELAYED
EMERGENCY CARE AND SUBSEQUENT DEATH OF
[REDACTED] BOTH PARENTS ARE CHARGED
WITH FIRST DEGREE MURDER AS PROVIDED BY ARS 13-
1105.A.2.

DOB

BOOKING NO. B2017200039730

DEFENDANT'S NAME LAVARNIA, WENDY V

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim:

MOTHER

☒ Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

☐ Victim ☒ Third Party ☐ Officer Observed

3. There are previous incidents involving these same parties.

Explain:

4. Is defendant currently the subject of:

☐ An Order of Protection ☐ Any other court order☐ Injunction against Harrassment

Explain:

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

Defendant's actions

- ☐ Threats of homicide/suicide/bodily harm
☐ Control/ownership/jealousy Issues ☐ Crime occurs in public
☐ Prior history of Domestic Violence ☐ Kidnapping
☐ Frequency/Intensity of DV Increasing ☐ Depression
☒ Access to or use of weapon ☐ Stalking behavior
☒ Violence against children, vulnerable adults or animals
☐ Multiple violations of court orders

G. CIRCUMSTANCES OF THE ARREST

(Check if applicable)

1. ☐ Avoid Arrest ☐ Resist Arrest ☐ Self Surrender

Explain:

2. ☐ Defendant was armed when arrested

Type:

3. ☒ Evidence of the offense was found in the defendant's possession

Explain:

GUN FOUND IN HOME

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

☐ Yes ☒ No**H. DRUG OFFENSES**

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

☐ Drug Field Test Completed☐ Defendant admission of drug type

Approximate monetary value: \$

3. Was any money seized?

☐ Yes ☒ No

Amount: \$

I. ADDITIONAL INFORMATION

1. Military Service:

Has the defendant served in the Military Services of the United States?

☐ Yes ☒ No ☐ Unknown

If yes, is defendant Active Duty, Reserves, or National Guard

☐ Yes ☐ No

Branches Served In: _____

(AF - Air Force AR - Army CG - Coast Guard MC - Marine Corp
MM - Merchant Marines NG - National Guard NV - Navy
RS - Reserves)

2. Is the defendant homeless?

☐ Yes ☒ No ☐ Unknown**** If a fugitive arrest, a form IVA must be completed ****

I certify that the information presented is true to the best of my knowledge:

MOFFITT, KEITH A 05384

Arresting Officer/Serial No.

Agency/Duty Phone Number

3/21/2017

Date

201700000484313

Departmental Report No.

Departmental Report No.

Departmental Report No.